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pediped Infant Footwear LLC

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PEDIPIED INFANT FOOTWEAR LLC,  
  
Plaintiff,

v.

KUDOS LEATHERGOODS LTD d/b/a JACK  
AND LILY and ROBERT THOMAS BUELL,  
Individually,

Defendants.

CASE NO. 08-CIV-3572 (LTS)

**DECLARATION OF RUDY GLOCKER IN  
SUPPORT OF MOTION FOR CIVIL CONTEMPT,  
EQUITABLE AND MONETARY SANCTIONS, AND  
EXPEDITED DISCOVERY**

I, Rudy Glocker, declare as follows:

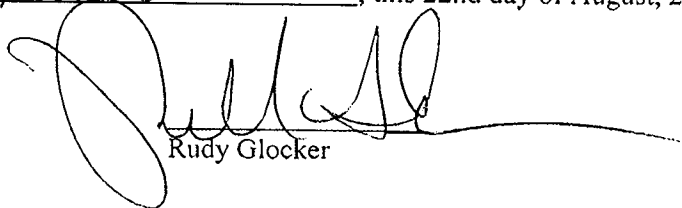
1. I am the COO of pediped. I have personal knowledge of the matters stated herein and, if called as a witness, I would competently testify to the following matters.

2. On or around August 11, 2008, I ordered style no. 181 from the My Shoes collection of Jack and Lily.
3. On or around August 18, 2008, I received shipment of my order. I received shoes like those shown in Exhibit A hereto. The shoes were packaged as shown in Exhibit B hereto. Exhibit C shows the "redesigned" shoes as compared to the enjoined shoes; Exhibit D shows the "redesigned" packaging as compared to the enjoined packaging.
4. Enclosed with my order was a personal note from Rob Buell, which is attached hereto as Exhibit E.
5. It is my understanding that the shoes I received are from Jack and Lilly's "redesigned" My Shoes collection. The shoes and packaging, however, still have the same overall look and feel as pediped's soft-soled shoes and packaging.
6. The "redesigned" shoes still have a black sole and highly visible white stitching; a profile which creates an asymmetrical, rounded-boxy and formed look; a roomy toe box; a sole visually small compared to the upper; and a white sewn-in tag on the end of a Velcro strap.
7. Several features of Jack and Lilly's style no. 181 remain identical to pediped's Samantha shoe, such as the color combinations, tag, Velcro strap, and, to the lay person's eye, the shape of the shoe. In addition, both shoes share highly similar features such as the pink strap and upper, brown back, cut-outs along the top portion of the shoe, and contrasted decorative stitching on brown leather in the front and back of the shoe. Jack and Lilly's "redesigned" shoe no. 181 continues to evoke pediped's Samantha shoe.
8. The only change Defendants have made to their My Shoes packaging is to make the plastic window circular instead of rectangular. The "redesigned" My Shoes packaging still is a hinged box with a clear plastic window; the logo and a line of text situated above the plastic window, with the text printed

in smaller font; a line of text positioned at the bottom of the box, below the window; the left and right sides of the box adjoining the window of equal proportion to each other; the top portion of the box adjoining the window more than twice the height of the bottom portion of the box adjoining the window; the logo and company information on the back of the box and a cloth carrying handle on the top of the box.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed at Henderson, Nevada, this 22nd day of August, 2008.



Rudy Glocker

**Exhibit A**



**Exhibit B**



**Exhibit C**



Exhibit D



**Exhibit E**

Attached.





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[www.jackandlily.com](http://www.jackandlily.com)

Dear Mr. Rudolph Glocker,

Thank you very much for your order and congratulations on your new position as COO with Pediped.

Please let me know if you need any additional styles and we would be happy to send them at no charge.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping, stylized strokes.

Rob Buell  
President  
Jack & Lily